

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

DAVID WHITESEL, *et al.*,

Plaintiffs,

Case No. 3:25-mc-2

vs.

KELLY SILER,

District Judge Michael J. Newman

Magistrate Judge Caroline H. Gentry

Defendant.

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**ORDER: (1) ADOPTING THE REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE (Doc. No. 3); (2) DISMISSING THIS CASE WITHOUT PREJUDICE; (3) CERTIFYING THAT AN APPEAL WOULD NOT BE TAKEN IN GOOD FAITH AND FINDING THAT PLAINTIFFS SHOULD BE DENIED LEAVE TO APPEAL *IN FORMA PAUPERIS*; AND (4) TERMINATING THIS CASE ON THE DOCKET**

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The Court has reviewed the Report and Recommendation of Magistrate Caroline H. Gentry (Doc. No. 3), to whom this case was referred pursuant to 28 U.S.C. § 636(b). The parties have not filed objections to the Report and Recommendation and the time for doing so under Fed. R. Civ. P. 72(b) has expired. Upon careful review of the foregoing, and construing Plaintiffs' *pro se* allegations in their favor,<sup>1</sup> the Court determines that the Report and Recommendation should be adopted. Accordingly, the Court: (1) **ADOPTS** the Report and Recommendation of the Magistrate Judge in its entirety; (2) **DISMISSES** this case **WITHOUT PREJUDICE**; (3) **CERTIFIES**, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal of this Order would not be taken in good faith, and finds that Plaintiffs should be denied leave to appeal *in forma pauperis*; and (4) **TERMINATES** this case on the Court's docket.

**IT IS SO ORDERED.**

August 4, 2025

s/Michael J. Newman

Hon. Michael J. Newman

United States District Judge

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<sup>1</sup> As with all *pro se* litigants, Plaintiffs' documents and allegations are liberally construed in their favor. *See Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (*per curiam*).